REMARKS

The Office Action dated January 19, 2005 contained a final rejection of claims 1-16. The Applicant has amended claims 1, 4, 10, and 15. Claims 1-16 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

The Final Office Action rejected claims 1 and 16 (claim 15 was actually listed in the rejection, but based on the substance of the rejection in section 4 of the Office Action, it is assumed that "claim 15" was a typographical error and "claim 16" was really the claim the Examiner was rejecting) under 35 U.S.C. § 112, second paragraph.

In response, the Applicants have amended claims 1 and 16 as suggested by the Examiner to overcome these rejections.

In the Final Office Action, the Examiner rejected claims 1-3, 9-11, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Gupta et al. (U.S. Patent No. 6,226,752 B1) in view of Kirsch et al. (U.S. Patent No. 6,466,966 B1). The Examiner also rejected claims 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Gupta et al. (U.S. Patent No. 6,226,752 B1) in view of Goldberg et al. (U.S. Patent No. 5,823,879 A). In addition, the Examiner rejected claims 4-8, 12, and 13 under 35 U.S.C. § 103(a) as being unpatentable over Gupta et al. (U.S. Patent No. 6,226,752 B1) and Kirsch et al. (U.S. Patent No. 6,466,966 B1) and further in view of Goldberg et al. (U.S. Patent No. 5,823,879 A).

The Applicants respectfully traverse these rejections based on the amendments to the claims and the arguments below.

Specifically, the Applicants' independent claims now include authenticating **without** the use of a cookie and allowing access **without** requesting a cookie from the client to **eliminate** the need for the use of cookies. In operation, when the user first logs onto the host server via the affiliated server, the host server is provided, by the user's client data terminal, a provider identifier and a personal identifier associated with the affiliated server. The provider identifier and the personal identifier are then stored by the host server in a registration database associated with the host server, along with registration information provided by the user. When the user subsequently connects to the host server via the affiliated server, the user's client data terminal again provides the

provider identifier and personal identifier to the host server. The host server is then able to authenticate the user by matching the received provider identifier and personal identifier with the provider identifier and personal identifier stored in the registration database, without requiring any data to be input by the user. By eliminating the need for the user to input any data, the present invention provides a login process that is seamless and transparent to the user, **yet does not use a cookie**.

In contrast, the Applicants submit that Gupta et al., in combination with Kirsch et al. and Goldberg et al., require the use of cookies, which is a teaching away from the Applicants' claimed invention. It is well settled that when a teaching away exists, the references **should not** and **cannot** be considered together. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). MPEP 2143.01.

Namely, Gupta et al. utilizes cookies for authentication and access. In particular, Gupta et al. **explicitly** states that "[A]t step 302, the browser sends the request and any associated cookies stored in the browser to the application server. The application server determines if there is a valid session at step 304...To locate a session, the cookie (or token in a stand alone client/server application) that is forwarded from the browser may be examined and compared to sessions currently active (e.g., from the list of sessions). ***If no cookie (or token) is forwarded from the browser, the session is not valid*** (e.g., this may be the first request from the browser to the application server or the session may have timed out or been terminated)" (see col. 11, lines 39-67, col. 12, line 1-67 and FIGS. 3-4 of Gupta et al.) [*emphasis added*]. Thus, Gupta et al. requires a "cookie" because the absence of a "cookie" would invalidate the session and cancel an otherwise proper authentication.

Since Gupta et al. require the use of cookies, the intended function of Gupta et al. would be destroyed if Gupta al. eliminated the use of cookies like the Applicants' claimed invention. In fact, Gupta would be inoperable if authentication was performed **without** the use of cookies and access would always be denied if cookies were not requested. Thus, when taking the entire disclosure of Gupta et al. into consideration, it is clear that from FIGS. 3-4 and col. 11, lines 39-67 and col. 12, lines 1-67 that Gupta et al. requires a "cookie (or token in a stand alone client/server application)", otherwise, "If

no cookie (or token) is forwarded from the browser, the session is not valid", unlike the Applicants' claimed invention. Hence, this "teaching away" prevents obviousness from being established by combining these references. This **failure** of the cited references, either alone or in combination, to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness. W.L. Gore& Assocs. V. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). (*MPEP 2143*).

Accordingly, the combined cited references cannot render the Applicant's invention obvious. This failure of the cited references to disclose, suggest or provide motivation for the Applicant's claimed invention indicates a lack of a prima facie case of obviousness (MPEP 2143).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

In view of the arguments and amendments set forth above, the Applicants respectfully submit that the rejected claims are in immediate condition for allowance. The Examiner is therefore respectfully requested to withdraw the outstanding claim rejections and to pass this application to issue. Additionally, in an effort to expedite and further the prosecution of the subject application, the Applicants kindly invite the Examiner to **telephone** the Applicants' attorney at **(818) 885-1575**. Please note that all correspondence should continue to be directed to:

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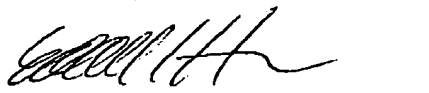

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